

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sheddy  
Serial No. : 10/688,668  
Filed : October 17, 2003  
Title : TILE SAW

Art Unit : 3724  
Examiner : Blake, C.

AFFIDAVIT OF STUART WRIGHT UNDER 37 C.F.R. § 1.132

1. My name is Stuart Wright and I am one of the inventors of the subject matter of the above-captioned patent application. I am an Industrial Design Manager for Black & Decker (U.S.) Inc. ("B&D") in Towson, Maryland.
2. I have been working as a professional industrial designer for approximately eighteen years. Industrial designers work on the look and feel and the ergonomics of manufactured products. I have significant experience and expertise in understanding and designing the aesthetics and the ergonomics of power tools.
3. In 1988, I received a Bachelor of Arts degree in three-dimensional design from Manchester Polytechnic Institute in the United Kingdom.
4. From 1988 through 1992, I worked as an industrial designer for several consulting companies in the United Kingdom.
5. In 1992, I joined the industrial design department of B&D as an Industrial Designer. I have been working in various capacities in the industrial design department at B&D since that time. During my time at B&D, I have worked on the industrial design of approximately 50 power tools, including drills, angle grinders, polishers, miter saws, circular saws, reciprocating saws, palm sanders, hedge trimmers, string trimmers, lawn mowers, chainsaws, tile cutters, jigsaws and heat guns. I was the leading industrial designer for the tile saw that is the subject matter of this patent application.
6. The power switch of the saw that is the subject of this patent application is positioned on the support assembly so that when the motor assembly is pivoted about its pivot axis, the switch remains stationary. The position of the power switch was carefully chosen after months of significant research into the positioning of the power switch.
7. We reviewed the positioning of switches on prior beveling head saws, of which there are two types. In the overhead beveling head tile saws we reviewed (an example of which is depicted in the attached Exhibit A), the power switch is located on the motor

assembly, so that the switch pivots with the motor assembly. In the angle grinder-based tile saws we reviewed (an example of which is depicted in the attached Exhibit B), the power switch is on a moving portion of the grinder, so that the power switch moves with the grinder body. We discovered that operation of the switches on these prior tile saws is difficult and cumbersome for the user. The moving switch on these tile saws often is difficult to locate as the tile saw is being operated, and the user often experiences fatigue and frustration in locating the switch on the tile saw.

8. We considered and researched positioning the power switch on a variety of alternative positions on our new tile saw. As a result of our extensive research, we determined that positioning the power switch on the support assembly so that the switch remains stationary relative to the pivoting motor assembly is optimal. Such positioning of the power switch is critical to the ergonomics and ease of use of the tile saw. For example, this positioning of the power switch enhances the ability of the user to locate the switch during operation of the tile saw. This enables the user to both turn on and shut off the tile saw quickly and easily without having to adjust the position of other portions of the tile saw. In addition, this positioning of the tile saw switch reduces user fatigue and frustration when using the tile saw.

9. In order to place the power switch on the support assembly so that it remained stationary required us to overcome several technical and financial challenges. The switch had to be wired in such a manner that the switch would remain stationary in a position further removed from the motor than in previous tile saws. This involved additional cost considerations, which needed to be reduced in order to price the tile saw in such a way to be attractive to the end user.

10. The stationary switch of this application has been included as a feature on the DeWalt D24000 10" Wet Tile Saw (photographs of which are attached as Exhibit C). As shown in Exhibit C, the tile saw switch remains stationary, even when the head bevels. We have found that this feature provides significant advantages in the ergonomics and ease of use of the tile saw, including allowing the user to locate the switch during operation of the tile saw, enabling the user to both turn on and shut off the tile saw

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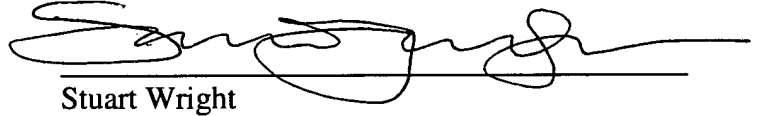
Attorney Docket No. P-TN-3305

quickly and easily without having to adjust the position of other portions of the tile saw, and reducing user fatigue and frustration when using the tile saw.

11. For the foregoing reasons, the stationary switch of the tile saw that is the subject of the present application provides significant advantages over the switches of prior tile saws and is critical to the operation and functionality of the tile saw of the present invention.

12. I hereby declare that all statements made herein of my own knowledge is true and that all statements made on information and belief are believed to be true, and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: OCTOBER 27 2006

  
Stuart Wright